

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE AMERICAN NATIONAL THEATRE AND
ACADEMY,

05 Civ. 4535 (JGK)

Plaintiff,
- against -

MEMORANDUM OPINION
AND ORDER

THE AMERICAN NATIONAL THEATRE INC.,

Defendant.

JOHN G. KOELTL, District Judge:

Based on the submissions of the parties, it is clear that time limits should be imposed. The exhibits, witness lists, and deposition designations in the Joint Pre-Trial Order are far in excess of what is reasonably necessary for a fair, expeditious, and just presentation of this case. Moreover, they are far in excess of the time that the parties agreed in the Joint Pre-Trial Order should be the length of the trial, namely two to three days. The parties thus far have been unwilling to stipulate to any undisputed facts and have not pared their cases down to the length that would facilitate the just and expeditious trial of this case. In addition, the admissibility of most of the exhibits is disputed, although there may be agreements after the decisions on the motions in limine. Time limits are the most effective way of requiring the parties to pare down their

submissions to the appropriate lengths. See In Re City of Bridgeport, 128 B.R. 589, 591-92 (D. Conn. 1991); MCI Communications Corp. v. AT&T Co., 85 F.R.D. 28, 30 (N.D. Ill. 1979); SCM Corp. v. Xerox Corp., 77 F.R.D. 10, 13-14 (D. Conn. 1977).

Having reviewed all of the submissions of the parties and their estimates of the length of trial, and based on the Court's familiarity with the case through deciding motions, including the motions in limine, the Court establishes the following time limits:

1. The plaintiff shall have an aggregate of five (5) hours in which to present its case, including both its direct and rebuttal case and any cross examination of the defendant's witnesses.
2. The defendant shall have an aggregate of five (5) hours in which to present its case, including any cross examination of the plaintiff's witnesses.
3. All time spent examining or cross-examining witnesses or presenting argument during such examination or cross-examination shall be chargeable against the aggregate time of the examining or cross-examining party, as the case may be. Time for opening and closing statements shall not be counted towards each party's aggregate time.

4. This trial management plan is adopted in accordance with Federal Rule of Civil Procedure 16 and in addition to the Court's Rules of Practice, General Rules of Trial Practice, the Local Rules of this Court, and the Federal Rules of Civil Procedure. The Court reserves the right to alter or amend this trial management plan in its discretion.

SO ORDERED.

Dated: New York, New York
December 7, 2006


John G. Koeltl
United States District Judge